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NEWS FROM MONTANA'S CAPITOL  
July 1987 issue  
(Volume 2, No. 7)

A Publication from the Office of the  
Coordinator of Indian Affairs

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Open Letter, Cheryle C. Zwang

Last week I happened to be seated on an airplane traveling from Salt Lake City to Helena. While on the plane, something happened that I feel really needs to be addressed in a public forum.

The plane was quite crowded and seated next to me were two men. While waiting on the tarmac for the plane to take off, these two men began to converse. They first noted that there was a steward on board (male stewardess) and even though this man didn't appear to be effeminate, they decided that he must have been "limp-wristed". They then categorized the entire populace of California as being unfriendly, rude and untrustworthy. Soon these two men got to the subject of Indians. Now I am an American Indian, but probably because my outward appearance is not explicitly Indian, they began to denigrate Indians. They took an entire race and capsulized us as being lazy, drunken people who get a monthly check and can hunt and fish as we please. When I hear this kind of talk, I feel it is my responsibility to set the record straight. As a matter of fact, if I felt that I could have really made a difference, I would have disputed this entire conversation at the time. But when two grown men can decide that a man is a "raging queen" because he works at a job that is traditionally done by a woman, as well as take an entire race of people and dismiss them as no-goods, then it is doubtful that this mindset will change.

I really do feel, however, that there are many people out there who are simply ignorant about Indian people and who would invite the opportunity to learn. So it is for the benefit of these people that I write.

Indian people do not receive monthly checks just for being Indian. This is a fallacy that bigoted people have been promoting for years! If an Indian person receives a monthly check from their tribe, it is for payment for leased lands or some resource that this individual owns. Indian people are held in trust status under the federal government, much like a minor child. Monies are held in an IIM account by the Bureau of Indian Affairs and then allocated out by them to individuals.

As far as hunting and fishing go, people who are not informed about treaty rights are the ones who have problems with this subject area. You cannot equate treaty rights with the rights of an individual or constitutional rights. Treaty rights are those rights that the U.S. government agreed to in signing treaties with those Indian persons who represented Indian tribes in the yesteryear. People are always saying, "Why should we have to pay for the sins of our forefathers? Why don't these Indians start from the present instead of drudging of the past?" I'll tell you why. Because when our ancestors signed those treaties, the rights and privileges promised them were understood to last as long as the grass grows and the water flows. When those Indian elders made their mark or signed their name, they did so with the understanding that the promises made in that treaty were made in good faith. All the Indian people of today want is the for the U.S. Government to honor those treaties and keep their word.

As far as Indians being lazy, drunken, destructive people, that is a very broad generalization. There are drunken, lazy, destructive people in every culture and race in the world. To take those persons and make a generalized statement that all persons within that specific group are any one thing is to show one's ignorance. And to believe

those kind of generalizations is to be a bigger fool than the person stating those things as fact.

I was born, raised and educated here in Montana and I have always thought that the people in our state were as big as our sky. I hope this letter is accepted in the manner it was offered and that it clarifies some very basic issues and questions regarding Native Americans.

#### COORDINATOR OF INDIAN AFFAIRS

NCAI Conference - The National Congress of American Indians held its mid-year conference in Portland, Oregon on June 24-26 at the Red Lion Lloyd Center. Approximately 450 people were in attendance, although the Montana delegation was quite small. Montana representatives included Ron Therriault, Confederated Salish and Kootenai Tribal Council; Pat Left Hand, Confederated Salish and Kootenai Tribal Council; Cheryle Zwang, State Asst. Coordinator Indian Affairs; Mike Doss, D.C. lobbyist for the Crow tribe; Mickey Old Coyote, Sec. of Crow Cultural Committee; and Ken Real Bird, Asst. Dir. of Crow TERO. There were numerous topics of discussion and concurrent sessions running throughout the conference. The conference centered on treaty rights (fishing-hunting- gathering), but also addressed legislation/litigation, indirect costs, anti-Indian organizations, media relations, trust responsibilities, nuclear waste dumping, health, education, economic resources, EPA tribal projects, jobs - training and preference, water issues, land loss and farm credit reform, and taxation.

The many persons in attendance were very result-oriented and, consequently; the conference proved to be productive. Many recommendations were made that the NCAI will follow up on and bring forward at the annual conference in Tampa.

Sen. Inouye (Hawaii) and Sen. Evans (Wash.) were listed as dignitaries who might be in attendance. Neither of the Senators were in attendance, but Lynn Engles, Commissioner of the Administration for Native Americans, was present and participated as a speaker.

NCAI also hosted a luncheon honoring American Indian and Alaska Native Veterans. The luncheon was sponsored by Philip Morris Co. There was also a pow-wow, an auction and banquet, and several contemporary dances included as part of the conference agenda. A tour of the Columbia River and Bonneville Dam was also offered after closing ceremonies.

Also, while the adults were meeting with NCAI, there was a meeting called YOUTH 2000 taking place down the street. The goals of Youth 2000 will be a 50 percent reduction in the incidence of out-of-wedlock births to teens, a 20-percent reduction in the mortality rate among teens ages 15 to 19 and a 90 percent increase in the high school graduation rate. Many of the students attending the Youth 2000 conference also sat in on some of the sessions of the NCAI conference. We understand that the Youth 2000 conference was a great success and we express our commitment to seeing the goals set forth by this organization become reality.

## AROUND THE STATE

### Clayborn Wins Award

A football camp was held from June 7-12, 1987 at Carroll College. The camp was attended by 127 young men from throughout the state and awards were presented at a banquet held on Friday night. Kacey Clayborn, son of Donald L. Clayborn and the late Elaine Gilham Clayborn, received a plaque for "Most Improved Player". Kacey was the third youngest participant in the camp, so the award was quite a personal coup. We offer our congratulations to Kacey and his family.

### Treaty Day

Greg DuMontier, Adm. Asst. to the Confederated Salish and Kootenai Tribal Administration, announced that July 16, 1987 will be the date for a gathering celebrating treaty rights. The festivities will begin at 5:30 pm and end at sunset at the University of Montana Oval. (We were informed there would not be rain, but on the off-chance there is, the celebration will be moved to the UC Ballroom.) "A Celebration of Treaty Rights" is sponsored by the people of the Salish and Kootenai tribes and will commemorate the Hellgate Treaty of 1855. Along with an impressive list of speakers, there will be a feast including buffalo burgers, and a host of traditional tribal ceremonies and traditional social dancing. The Governor will also be in attendance and will proclaim July 16 as "Treaty Day". Everyone is invited, so bring your shawl and enjoy yourselves.

### Tribes Try For Tax Break

Independent Record, July 1, 1987

Billings (AP) - Crow tribal leaders hope to obtain state tax breaks for businesses locating in a "tax-free zone" on the reservation, Tribal Chairman Richard Real Bird said Tuesday. "What we are looking at is some tax break for new businesses for a period of time that would allow the investors to recapture their capital outlay," he said. "We felt this was needed to keep from scaring off anyone who might be coming to do business on the reservation."

The proposed tax-free zone would be established under the federal Tribal State Compact Act of 1981, which permits tribes and states to negotiate such agreements without congressional approval. Real Bird said imposition of state taxes on tribal resources has hampered the tribe's ability to develop those resources and reduce an unemployment rate estimated at 69 percent.

The tribe has not yet began negotiations with the state over possible tax breaks, but Real Bird said, "We are trying to establish a spirit of cooperation between the Crow Tribe and other entities that have an interest in the area."

## AT THE FEDERAL LEVEL

### Swimmer Challenges NAIWA to Help Fight Child Abuse Indian News, July 6, 1987

Washington - Assistant Secretary of the Interior Ross Swimmer challenged members of an Indian women's association June 30 to get involved at the community level in addressing child abuse and alcoholism in Indian country. "Federal dollars won't stop child abuse and alcoholism, said Swimmer, who appeared on a panel at a conference of the National Association of Indian Women. People like yourselves, working for solutions at the local level, can make a difference." Swimmer said he is distressed at the problems of child abuse and alcoholism on the reservations. He asked the 125 participants attending the NAIWA conference to get involved rather than wait on Washington for solutions. Swimmer appeared along with representatives from the Indian Health Service and the Education Department's Title IV program.

### BIA-Tribal Group Seeks Improvements in Agriculture Indian News, June 29, 1987

Washington - Economic development - the buzzword of the 1980's in rural America - has succeeded in parts of Indian country and remained elusive in others. For some tribes, economic development has come in the form of electronics assembly, timber products and bingo.

A new effort underway in the agriculture division of the Bureau of Indian Affairs, however, is finding that Indian tribes and individuals may locate the potential for economic development as close to home as their local farms and ranches. About 25,000 Indian families and tribes make a living or raise revenues through farming and ranching. Of the more than 53 million acres of land the Bureau of Indian Affairs holds in trust, 46 million acres is used for agriculture. Farming and ranching in Indian country generated \$450 million in gross revenues during 1985. In addition, the BIA spends \$23 million a year on agricultural programs that manage and protect the vast resources as well as collect rental income for Indian landowners. But despite the industry's potential strength on Indian reservations nationwide, less than 40 percent of Indian farmlands are used by Indians while a more heartening 80 percent of ranchlands are operated by tribal members.

Ross Swimmer, Assistant Secretary of the Interior for Indian Affairs, believes Indian agricultural lands could be a major source of jobs and revenues for tribes and their members. But a decline in the agriculture industry nationwide, coupled with what he sees as an outdated BIA agriculture program, may be leading to a decrease in the number of Indians involved in ranching and farming.

In 1983, approximately 38 percent of the Indian-owned farmlands were actually used by Indians and in 1985 that number decreased to only 35 percent. Similarly, nearly 95 percent of the Indian-owned grazing lands were used by Indians in 1983 while less than 85 percent used the lands in 1985. In response, Swimmer appointed a working group earlier this month composed of 12 tribal agriculture representatives and six BIA

professionals from across the country to begin exploring ways to level off the downward trend in Indian agriculture.

The 18-member working group's primary mission will be to establish an Intertribal Agriculture Council which could become an effective advocacy group for Indian agriculture as well as provide the needed tribal input to begin improving and updating the BIA agriculture program. "This is a unique, responsive approach at getting tribes involved in a review of how the BIA operates its agriculture programs and then move toward improving those services," said Dr. Frank Ryan, the BIA's deputy to the assistant secretary in charge of trust responsibilities and economic development.

"It's time we began taking our 50-year-old program in a new direction," said Sam Miller, the BIA's division chief for land and water. "We need input from the Indian tribes and individuals who are involved in agriculture if we ever hope to update what has become an outdated program." The working group, headed by BIA natural resources officer David Pennington, is based at the BIA's area office in Billings.

Although the new focus on agriculture appears recent, the process actually began in early 1985 when tribal leaders began asking for relief from crop failures caused by drought. Congress responded with \$6 million to provide emergency hay for livestock but also required a report back on BIA and tribal effectiveness to deal with agriculture and range problems. The BIA reported to Congress last fall and recommended that a working group be organized to begin forming the Inter-tribal Agriculture Council. The goals of the council will be to further tribal objectives, enhance Indian agricultural opportunities, increase the visibility and importance of the industry and promote increased tribal involvement in the management of agriculture resources. The proposed council would operate much like the existing Inter-tribal Timber Council, which is composed of delegates appointed by tribes with an interest in forestry and timber. Like the timber council, the agriculture council will be independent from the BIA. Although the working group will work on specifics, the agriculture council would consist solely of tribal members who will review BIA and tribal policies and recommend improvements.

The working group will hold three meetings this summer, the first on July 14 in Denver, CO. During the meetings, tribal representatives and BIA support staff will draft a charter for the council and then host a charter convention for late October.

#### Indian Fishing Rights

Indian News, July 6, 1987

Rep. Michael Lowry (D-Wash) introduced a bill in the House June 25 that would exempt revenue generated through exercising Indian fishing rights. H.R. 2792 clarifies Indian treaties, executive orders and acts of Congress with respect to fishing rights. A similar bill was introduced in the Senate and supported by the Administration but will see no further action since revenue bills must originate in the House. The BIA is expected to testify on the bill July 14 before the House Interior and Insular Affairs Committee.

Congressional Bills to Encourage Economic Development on Reservations  
American Indian Report, Vol. III, No. 7

Washington - Both houses are currently considering bills to stimulate economic growth on Indian reservations. The Indian Development Finance Corporation Act (S. 721); introduced by Sen. Daniel Inouye (D-Hawaii) calls for the establishment of a federally-chartered lending institution to provide financing for Indian businesses on the reservation or Indians whose business activities are contributing to the economy of the tribe.

This institution would be organized like a corporation, with a 12-member board of directors composed of one officer from the federal government, six representatives from Indian tribes which are shareholders in the corporation, the president of the corporation and four other shareholders.

The Senate Select Committee held hearings on this bill in Washington on April 30. Field hearings are planned but none are scheduled. Contact: Alan Parker, Senate Select Committee on Indian Affairs, SH-838 Hart Senate Office Building, Washington, D.C. 20510. (202) 224-2251.

The Indian Economic Development Act (S. 788 and HR 1759) is intended to create an incentive for Indian tribes and the private sector to work together to stimulate economic growth in Indian country. These bills would give the Secretary of the Interior the authority to establish, in cooperation with the tribal government, Indian Enterprise Zones. These zones would offer a wide range of federal tax incentives to stimulate new investments and hiring in Indian country by private business. Both bills would repeal a section of the Indian Tribal Government Tax Status Act which denies tribes the ability to issue tax exempt industrial bonds. The bill also requires the tribal government to encourage business development by, among other things, reducing taxes, increasing local service and assuring non-Indian businesses that their rights will be protected. The Senate Select Committee and the Senate Finance Committee plan to hold joint hearings on S. 788, but no dates are scheduled. Contact: Dan Lewis, Senate Select Committee on Indian Affairs, SH-838 Hart Senate Office Building, Washington, D.C. 20510. (202) 224-2251.

Field hearings on HR 1759 are tentatively planned for New Mexico and Colorado during the Congressional recess in August. Contact: Alex Skibine, House Committee on Interior and Insular Affairs, 1324 Longworth House Office Building, Washington, D.C. 20515. (202) 226-7393.

Swimmer Supports Indian Gaming, Asks for Regulation  
Indian News, June 22, 1987

Washington - The Reagan Administration supports the right of Indian tribes to operate gambling enterprises but called on Congress in testimony June 18 to enact legislation that would regulate high stakes bingo and "hard core" gambling like casinos and pari-mutual racing.

The Senate Select Committee on Indian Affairs held all-day hearings on two gaming bills - Sen. Daniel Inouye's S. 555 and Sen. John McCain's S. 1303. Both bills establish a federal commission to regulate Indian

bingo games. Inouye's bill would establish federal regulation of bingo but would require that tribes allow states to regulate hard core gambling on Indian lands or prohibit the activity altogether. McCain's bill would allow for tribal self-regulation so long as the tribes submit their regulatory schemes for approval by the proposed commission.

The bills categorize Indian gaming in three classes. Class one is social bingo, class two is high stakes bingo and class three is hard core gambling. Ross Swimmer, the Asst. Secretary of the Interior for Indian Affairs, told committee members he supports Inouye's gaming bill because it provides strong federal regulation of class two bingo and an opportunity for tribes to operate class three hard core gaming under existing state regulations. "We recognize the importance of tribal sovereignty, but believe that either the states should be empowered to regulate such hard core gaming on Indian land" or hard core gaming should be unlawful, Swimmer said. He told the committee that hard-core gaming poses a larger law enforcement problem than bingo and the states are better equipped to handle the task than the federal government. Swimmer said the cost of regulation should be borne by the Indian games themselves through a federal fee and not by the taxpayers. Pointing to a number of successful bingo operations, Swimmer said the Administration supports legislation reinforcing the right of tribes to run gaming enterprises but also recognizes the need for regulation.

"We urge the Congress to enact sound Indian gaming legislation because gaming enterprises in Indian country provide economic benefit to many of the tribes involved, especially those with no valuable natural resources or other significant sources of income," Swimmer said.

The assistant secretary said no regulation of Indian gaming exists today despite large sums of cash involved with the operations. The Bureau of Indian Affairs' only involvement in gaming is to approve third party contracts for management of the operations and to take land into trust, a status that is necessary for the games to operate outside of state statutes. Swimmer testified that the BIA will be publishing a proposed rule stating that it will no longer take into trust land which will be used for gaming operations.

Swimmer drew praise and support from Committee Chairman Inouye when he suggested that tribes should have a referendum vote of their membership on gaming before opening the enterprises. Inouye, who earlier had noted his personal objections to gambling, said the idea made "good sense" and asked that the referendum be made part of his bill.

The committee also heard testimony from Nevada Senators Harry Reid (D) and Chic Hecht (R), who both called for state regulation of all Indian gaming. The House Interior and Insular Affairs Committee has scheduled a hearing for June 25 to hear testimony on similar bills.

Proposes Gaming Commission  
Indian News, June 15, 1987

Washington - A National Indian Gaming Commission would be created within the Interior Department to regulate high stakes gambling on tribal lands under a bill introduced June 2 in the Senate. The bill, introduced by Sen. John McCain (R-Ariz.) is identical to one Rep. Morris K. Udall (D-Ariz) has introduced in the House. The Indian Gaming Regulatory Act

provides a statutory basis for operating and regulating tribal gambling activities and establishes the gaming commission to carry out that regulation. The five-member commission will have power to close gaming activities, collect fines, approve tribal ordinances regulating gaming and propose additional regulations. The bill also provides for tribal regulation in some forms of gaming. The bill defines Indian gaming in three classes. Class one is social games solely for prizes of minimal value and class two includes card games like bingo and lotto. Class three is everything beyond classes one and two. Tribes are given exclusive jurisdiction over class one while the provisions of the act apply to classes two and three. "I believe this legislation is the best attempt so far to pull together the concerns of tribes and States," McCain said. "It would allow tribes to continue gaming activities that are consistent with current law under federal regulations and standards, without State intrusion, while ensuring that adequate safeguards and careful monitoring are maintained to prevent criminal activity as called for by some states." Asst. Secretary of the Interior for Indian Affairs, Ross Swimmer, is expected to testify on this and several other Indian gaming bills during June in the House and Senate.

In Congress, Rep. Doug Bereuter (R-Neb) introduced a bill June 10 to repeal an act that allows taxation of Indian trust land on the Omaha and Winnebago Reservations in Nebraska.

#### NCAI HOSTS MID-YEAR CONFERENCE Indian News, June 22, 1987

Portland, Ore - The National Congress of American Indians hosts its mid-year conference June 24-26 in Portland under the theme "We, the Original People: A Bill of Treaty Rights and Indian Justice." The conference will provide a forum for exploring the U.S. Constitution during its bicentennial year and other founding documents of this nation. The meeting also will feature special sessions on strategies for promoting NCAI's legislative agenda. Sen. Daniel K. Inouye (D-Hawaii) and Daniel J. Evans (R-Wash), the chairman and co-chairman of the Senate Select Committee on Indian Affairs, are expected to attend. Organizers said the conference coincides with the June 25-28 Treaty Day Celebration of the Confederated Tribes of the Warm Springs Reservation as well as the June 25 anniversary of the Battle of Little Big Horn. For more information, contact NCAI at (202) 546-9404.

#### SECTION 515 PREPAYMENT CRISIS LOOMS HAC News, June 18, 1987

The Section 515 prepayment moratorium will expire on June 30, 1987. The Supplemental Appropriations bill, H.R. 1827, would extend the moratorium until Sept. 30. However, final action on the bill may not occur before mid-July. This would open a window for project owners to begin repaying their loans on July 1, 1987. Anyone with specific knowledge or concern about possible or pending Section 515 prepayments

should contact the nearest Legal Services office as soon as possible. For additional information, Legal Services attorneys should contact:

- \* Francisca Baxa, Legal Services of N. California 916/823-7560 or
- \* Jim Libby, Vermont Legal Aid, 802/223-6377 or
- \* Greg Provenzano, Evergreen Legal Services, 206/259-3451 or
- \* Lee Reno, Roisman, Reno and Cavanaugh, 202/543-4900

Avoidance of tenant displacement may be possible based on (1) court action (Gillanders case, Calif.); (2) Congressional approval of an extension of the three month moratorium; (3) mid-July House/Senate conference on the Housing Authorization bill (which also contains corrective action); and, (4) issuance of FmHA regulations.

FmHA administrator, Vance Clark, has said that FmHA's prepayment rule will be published in the Federal Register by June 30, and it will be effective immediately. At that time, a 180-day notice period will begin to allow tenants time to make alternative living arrangements

At risk in this crisis are 150,000 to 180,000 units of assisted low-income housing and the well-being of the tenants that occupy these units. For additional information, contact HAC's Art Collings or Moises Loza.

#### Reagan Opposes Limits on Tribes' Rights to Tax American Indian Report, Vol. III, No. 7

The Reagan administration is opposed to a Senate bill that would put a two-year ban on Indian tribes' rights to levy taxes on their reservations. Ross Swimmer, head of the Bureau of Indian Affairs, told tribes in Wyoming and Montana that the president supports the bureau in its opposition to Senate Bill 1139, sponsored by Sen. John Melcher (D-MT). The bill called for a two-year ban on tribal taxes and a federal study to see if a permanent ban is called for. The bill was a response to objections from non-Indians living on Montana reservation lands.

#### Forest Service Clarifies Indian Allotment Act American Indian Report, Vol. III, No. 7

Washington - The National Forest Service is proposing rule changes that would clarify the eligibility standards for Indians applying for land allotments within National Forest land under the Act of June 25, 1910. The rule changes state that Indians eligible for the land allotments must file a notice of their intent to apply for the allotment with the Forest Service.

The regulations also provide that the Forest Service will set a specific date after which it will not consider applications for the allotments.

Comments on the changes will be received until July 22. Comments can be mailed to: F. Dale Robertson, Chief (5400), Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090-6090. (Federal Register, June 22; 19; pp. 23473-23476.)

## COURT CASES

### Challenge to TERO is in the Courts

American Indian Report, Vol. III, No. 7

Fort Hall, ID - The legal clout of the Shoshone-Bannock Tribal Employment Rights Ordinance is being challenged in the courts. Tribal Chairman Marvin Osborne said the issue of the tribe's authority to set employment practices on the reservation is a crucial one, and the tribe is preparing to appeal a court decision questioning that authority.

Last month Federal District Court Judge Marion Callister lifted two tribal court restraining orders against FMC Corp. which does business on the Fort Hall Reservation. In April, the Shoshone-Bannock Tribal Employment Rights Commission issued restraining orders against the firm claiming the company had violated its TERO by awarding an electrical contract to a non-Indian contractor and hiring non-Indian workers. The tribal court would not allow the firm to hire workers at the FMC Corp and would not allow the company to award the electrical contract. FMC appealed the restraining orders challenging the tribe's jurisdiction to hear the case. Callister said the tribe cannot issue any restraining orders until a federal court judge rules on the tribe's jurisdiction in this case. The critical issue, said Osborne, is whether or not the tribe has the legal authority to require employers to follow it's TERO.

"If the largest employer is allowed to ignore tribal law, it will be impossible to enforce TERO law with any employer," Osborne said. "There are a lot of ramifications, not only for this tribe but for all tribes."

### Consent Decree Entered in Prisoners' Rights Action

NARF Legal Review, Spring 1987

A Idaho state court approved a consent decree entered into by Indian inmates and the State of Idaho correctional institution. The Indian plaintiffs had brought suit claiming the correctional institution was violating their freedom of religion under the First and Fourteenth Amendments to the Constitution. In the decree, the correctional institution agreed to : 1) permit a medicine man or spiritual leader to advise Indian inmates and perform other religious functions; 2) educate prison staff about the religious practices of American Indians; 3) permit outside input on the sincerity of a person's religious belief if in question; 4) allow inmates to maintain a sweat lodge, supply necessary firewood, and allow weekly access to a sweat lodge; 5) allow inmates the use of a medicine pipe, 6) permit the wearing of traditional hairstyles, headbands, medicine bags, and tobacco pouches. NARF assisted Idaho Legal Services in Brown v. Arvae.

### Court System Leads Way in Indian Tax Decisions

Billings Gazette, April 19, 1987

During most of the Indian legal experience with the U.S. government, federal courts, not Congress, have taken the lead in establishing tribal authority. And the courts, at least since the turn of the century, have

agreed that, in the absence of a congressional prohibition against it, tribes can tax non-Indians within their reservation borders.

Until recently, tribal taxes have generally been limited to the minerals extracted from their reservations. With the onset of newly enacted non-mineral taxes all over the country, congressional interest may be reviving. Montana's two senators, Max Baucus and John Melcher, plus Sen. Alan Simpson from Wyoming, have recently introduced a bill proposing a two-year moratorium on tribal taxes while congress reviews ""Indian tribal authority to impose taxes on non-tribal persons on Indian reservations." But up to now, the courts have lead the way.

In 1905, in a case called *Buster vs. Wright*, federal judges ruled that tribes could impose taxes on non-Indians - even those living in incorporated communities within the reservation borders.

Twenty-nine years later, the solicitor of the Dept. of Interior relied on *Buster vs. Wright* in an opinion that said the "chief among the powers of sovereignty recognized as pertaining to an Indian tribe is the power of taxation." "Except where Congress has provided otherwise, this power may be exercised over members of the tribe and over non-members, so far as such non-members may accept privileges of trade, residence, etc., to which taxes may be attached as conditions," the opinion continued.

One of the most recent cases, and one of the most frequently used in defending tribal taxation is a 1982 case called *Merrion vs. Jicarilla Apache Tribe*. The Supreme Court reaffirmed that the power to tax is an inherent right of government and that a tribe's jurisdiction may include non-Indian lands within its reservation.

#### GENERAL INFORMATION

##### Indian Activist Tries to Clear His Name Billings Gazette, July 8, 1987

Leavenworth, Kan (AP) - He is so soft-spoken you sometimes have to ask him to repeat himself, but Leonard Peltier says he is determined to clear his name and resume his work as an Indian rights activist.

"A lot of the issues we were protesting in the '70's are still current today," said Peltier, 42, a former leader of the American Indian Movement who has spent the last 10 years in federal prison for killing two FBI agents. "Nothing has changed", he said. "Nothing at all has changed." "We're living in the highest poverty in the United States. Our medical facilities are outdated, our educational facilities are outdated. Indian people still are not being treated any better than they were. The only thing different today is they're not killing us with Gatling guns."

Peltier, who was transferred to the U.S. Penitentiary at Leavenworth in 1985, is serving two consecutive life terms. He was one of four men charged, and the only one convicted, after a shootout on South Dakota's Pine Ridge Indian Reservation on June 26, 1975.

He and his well-organized supporters in the Leonard Peltier Defense Committee maintain that he is innocent. Their efforts to focus more

attention on his case while it is being appealed to the U.S. Supreme Court bore fruit last week with a well-publicized visit by two physicians from the Soviet Union. The Soviet government has repeatedly countered allegations about human rights abuses by pointing to Peltier as an example of an American political prisoner.

After Peltier claimed he was not being treated for an eye problem that developed last November, the Soviets asked that he be allowed to come to their country for treatment. The State Department eventually agreed to allow two Soviet ophthalmologists to examine Peltier at Leavenworth. The Soviet doctors left a supply of drugs with American physicians, who said they would evaluate them for safety and effectiveness before deciding whether to use them on Peltier.

The Soviet doctors had no criticism of Peltier's care, but said the blurred vision in his left eye - caused by clotting in a retinal vein - might not have become so bad had he been treated earlier. Peltier, meanwhile, awaits action on his latest appeal while insisting he did not receive a fair trial in federal court in Fargo, N.D. in 1977.

Peltier admits he was present and that he fired shots, but says: "I am innocent. I did not kill those agents." Agents Ronald Williams and Jack Coler were shot at close range. Peltier says his lawyers found evidence after his conviction that the agents were killed by two different high-caliber weapons, not the gun linked to Peltier.

"This was all suppressed from us," he said.

Nilak Butler, whose former husband and another man were acquitted in 1976 on grounds of self-defense, now works with the defense committee and as a paralegal aide for two of Peltier's attorneys. "You had a situation where people came in shooting at people," she said. "There were many women and children and there were many old people there ...When people come in shooting at you, you have a right to defend yourself."

Though the 8th U.S. Circuit Court of Appeals denied Peltier a new trial, Ms. Butler said, "it said that yes, evidence had been manufactured, yes, the most important evidence in the case had been withheld from the defense, and yes, there had been lying by FBI agents." But the court concluded: "This case thus turns on the question whether the evidence withheld by the prosecution is material in the sense that its non-disclosure undermines confidence in the outcome of the trial. We have not been so convinced."

#### \$240,000 Available to Recruit Indians for Health Professions American Indian Report, Vol. III, No. 7

Washington - The Health Resources and Services Administration announced that \$240,000 is available for the health professionals' recruitment program for Indians. The grants are limited to public or non-profit educational entities which offer accredited master of public health programs. The money is to be used to identify Indians with a potential for education in public health or health care administration at the masters level and to encourage them to enroll in these programs. The application deadline is July 15.

Application kits may be obtained from the Grants Management Division of Grants and Contracts, Indian Health Services, Room 6A-33, 5600 Fisher Lane, Rockville, Md. 20857. (Federal Register, June 12; vol. 52, No. 113.; p. 22538.

#### Minority Mailbox

##### Minorities in the Newspaper Business Press Release

The Task Force on Minorities in the Newspaper Business has established a new service that will help newspaper recruiters find minority job seekers for non-news-editorial jobs.

Called "Minority Mailbox," the program will advertise self-descriptions of minority job seekers in Minorities in the Newspaper Business, the Task Force newsletter that goes to 13,000 newspaper industry executives. According to Loren Ghiglione, editor and publisher, The News, Southbridge, Mass., and chairman of the Task Force "Minority women and men who are seeking business-side jobs in newspapering (advertising, circulation, business office, data processing, etc.) will be given an opportunity to announce their availability for these jobs." They will be asked to submit a brief profile (100 words maximum) to Minority Mailbox, Task Force on Minorities in the Newspaper Business, Box 17407 Dulles Airport, Washington, D.C. 20041. There will be no charge for this service. Some minority individuals seeking jobs or job changes will prefer to remain anonymous. Their self-descriptions will refer prospective employers to a numerical identification code. "Others who do not require anonymity can publish their addresses and telephone numbers in their ads..", Ghiglione said.

In addition to "Minority Mailbox", the Task Force offers: newspaper job fairs, a directory of minority speakers available for conferences and meetings, high school programs, advertisements that relate to minority opportunities in newspapering, a bimonthly newsletter and other publications. For further info; contact Terri Dickerson-Jones at (703) 648-1253.

#### Publisher to Start Reservation Newspaper Plant

##### Minorities in the Newspaper Business, Vol. 3, No. 3

Tim Giago, publisher of the Lakota Times, Martin, S.D., the only independently owned daily newspaper for American Indian, will open a printing plant on the Flandreau/Sisseton Sioux reservation in S. Dakota this summer to print a group of weekly newspapers for Indian reservations across the country. A report issued by the newspaper said that Giago is entering into a partnership with Gerald Garcia, president and publisher of the Bryan-College Station (Texas) Eagle. Garcia is part owner of The Lakota Times.

Giago will build a 15,000 square-foot facility to serve as headquarters for the new business, Native American Publishing Inc. Construction on the building, which will be leased back from the tribe, began in May. Expected to employ about 40 people, the plant will open in mid-September. Giago is seeking a \$2.5 million loan from the SBA to finance the project.

Giago said he believes Indian newspapers can keep tribes better informed since mainstream newspapers "have found covering Indian news economically unfeasible and have limited knowledge of the culture."

#### URBAN INDIAN LEADERSHIP ELECTED National Urban Indian Council

Elected on May 31, 1987 were the leaders of the National Urban Indian Council. Executive Officers from the following cities were unanimously elected by the national off-reservation members to the Executive Board.

Chairperson - Elizabeth Stately (Chippewa), Sioux City, Iowa.  
V. Chairperson - Ginny Doctor (Onondaga/Mohawk), Syracuse, NY.  
Secretary - Bernadine Wallace (Sioux), Helena, MT  
Treasurer - James Price (Tlinget), Seattle, WA.  
President - Dr. Gregory W. Frazier (Crow), Denver, CO.

The National Urban Indian Council is the only community-based national Indian organization representing the interests of the off-reservation American Indian and Alaska Native population in the United States. Each year selected representatives from over 300 urban Indian groups and organizations convene and elect their national leadership who in turn represent their constituent positions on policy and funding matters. The National Urban Indian Council has been in existence since 1976.

#### Indian Tribal Colleges Form Independent Fund for Support

Washington, D.C. - In a far-reaching move to build their own self-support, member colleges of the American Indian Higher Education Consortium (AIHEC) have established the American Indian College Fund.

"This may well be the most significant action we have ever taken to insure the progress and development of our institutions," said Gerald "Carty" Monette, Pres. of AIHEC. Monette is also president of Turtle Mountain Community College in N. Dakota. "In fact," said Monette, "we have taken this a step further. We not only formed the Fund, but we also let it go to preserve its integrity for all of us." Monette was referring to action taken by AIHEC members at their annual meeting in Missoula, Montana in May, 1987 to establish the Fund as a separate entity independent of AIHEC. The AIHEC executive committee will serve as "ex officio" members only.

The Fund has been established and incorporated in the District of Columbia as an independent, non-profit organization for the purpose of raising funds for the support of American Indian tribal colleges.

The initial Board of Trustees - Sward Hansen, Perrone, and Robinson - will build the board to include both Indian and non-Indian members. "The first and foremost qualification to serve," said Sward HANSEN, "will be a commitment to American Indian higher education."

A number of fundraising plans are being developed including a major event to be held in New York City in the fall. The American Indian College Fund is headquartered in Washington, D.C. in association with the Phelps Stokes Fund. Donations to the American Indian College

Fund/PSF are tax-exempt under Section 501(c) (3) of the Internal Revenue Code.

#### Indian Youth Wins Golf Championship

Michigan Commission on Indian Affairs Bulletin

Notah Begay is an Indian who has literally beaten the white man at his own game - golf. The 14 year old Begay is the son of Laura Ansera, a San Felipe Pueblo woman who lives today at Isleta Pueglo. His father, now a computer specialist with the Navajo Nation, first exposed Notah to the game. At age nine, Notah entered a junior golf program at the Ladera Gold Course in Albuquerque, where he proved to have extraordinary talent. At age 10, he won the state junior PGA title, and this past summer won the 12-year-old and up title by an overwhelming 30 strokes. In national junior championships he has finished 13th, 7th, and 10th in his age divisions. Last year he won the Wendell Chino Golf Classic (an all Indian tournament) at the Inn of the Mountain Gods on the Mescalero Apache reservation. He is also an excellent student, racking up a 3.5 grade point average at the demanding Albuquerque Academy.

#### Seat Belt Law Effective October 1, 1987

Montana's mandatory seat belt law goes into effect on October 1, 1987. After that date it will be illegal to drive or ride in a car without having the seat belts fastened. The fine is \$20 per person if their seat belts are not fastened. Motorists will not be stopped for the sole purpose of checking for selt belt usage, but once stopped for any other reason, a fine can be imposed for failing to use safety restraints.

#### Singer Preserves Her Indian Heritage

Billings Gazette, July 11, 1987

Salish singer-songwriter Gen Huitt is trying to preserve her people's heritage through music. Accompanying herself on guitar, Huitt mixes traditional Indian songs and folk music in an act that's intended to be both entertaining and educational.

"My music results from my roots and experiences. It keeps me happy and gives me that self-worth I need," Huitt, 33, said after a recent performance at the Buffalo Bill Historical Center. She has performed in Los Angeles, Chicago and at a peace rally in the Soviet Union, and hopes to perform before Pope John Paul II later this year.

Her work includes traditional tribal songs handed down through the generations. Many songs are her own compositions, often dealing with both the comic and tragic aspects of Indian life. Some describe the injustices inflicted on Indians by white people.

Huitt performed the first of several educational stage programs being held throughout the summer at the Historical Center.

#### Tribes Lumber Mill Expands

Great Falls Tribune, July 10, 1987

The Confederated Salish and Kootenai Tribes have started a \$1.2 million expansion of their Flathead Post and Pole mill here, adding a new

specialty sawmill, dry kiln and planer.

The project also will include upgrading the existing facility to improve production. The mill, which uses lodgepole timber cut on the reservation by tribal members, employs 35 people and the expansion will add 20 more employees, said Ron Trosper, the tribal economist who chairs the board overseeing the plant. The new sawmill should begin operation Oct. 1 and the planer should start up four to six weeks later.

Irrigator Complains of BIA 'Bungling'  
Independent Record, July 12, 1987

A spokesman for irrigators in the Flathead Indian Reservation has accused the Bureau of Indian Affairs of "bureaucratic bungling" that resulted in slowed repairs to major water pumps critical for irrigation, particularly during the current drought year.

The BIA's Flathead Agency superintendent disputed the irrigators' version of the facts and defended the agency's handling of the repairs.

The three 3,000 horsepower pumps are designed to pull water from the lower Flathead River above Kerr Dam and pump it into Pablo Reservoir to ease water shortages in the Flathead Irrigation Project during dry years. Motors failed last year in two of the three aging pumps, and all three were pulled out to be re-built. The first was replaced a week ago but ran only three days before burning out, said Alan Mikkelsen, executive director for the Flathead Joint Board of Control representing reservation irrigators. The other two units aren't scheduled to start working until July 17 and July 24.

Mikkelsen said the pump motors failed last August, but the BIA spent eight months developing specifications to rebuild them and advertising for a contractor to do the work. The pump motors were not even pulled out for repair until April, he said in a Joint Board of Control statement.

The pumps deliver 12,900 acre-feet per month when all three are running, and they should have started pumping in May, the normal start up time in a drought year such as this one, the JBC says. "BIA's contract and procurement organizations must accept responsibility for this," Mikkelsen said, arguing that the affair illustrates why management of the irrigation project should be turned over to the farmers who use it. "This is simply a prime example of bureaucratic bungling," he said.

Wyman Babby, agency superintendent, said the BIA did a good job in trying to repair the 50-year-old pumps. Though the windings in the motors began failing last August, Babby said operators kept one or more of them running into November "in order to carry over as much water as we could." The pumps weigh around 20 tons, and the cost of repair is more than \$120,000.

The BIA's procurement staff "moved quickly, and considering the size of the procurement action involved .. they've done a superb job," he said. The contractor tested the first pump in Spokane, Wash., where it was rebuilt, and again after it was reinstalled, Babby said. The motor failure last year was blamed on a faulty part. "These things are hard to catch," Babby said, adding that the pump is expected to be fixed again by next week.

Bill Brooks, head of the irrigation division, said he now expects both the first two pumps to be operating by next Friday.

JBC Chairman Chuck Stipe said he doubts the project will be able to deliver enough water to meet irrigation quotas on the north end of the reservation.

#### Wolf Point Community Casino

reprinted in part, Wotanin Wowapi, July 9, 1987

Called W.P.C.O. Casino, the bingo is the first attempt to bring high stakes bingo to the area. The organizers say it is the first operation in Montana to be built and managed for and by a political subdivision of a federally recognized tribe.

Bob Martin, spokesman and development specialist for the industrial building, said the casino's management represents a change in Indian country because they will do their own managing. He said that while most tribes hire investment teams to do the managing, the WPCO board of directors, will attempt to do their own managing. The board is chartered by the Fort Peck Tribal Executive Board.

Of the employees, Martin said the board of directors took 130 applications and conducted about 70 interviews before making the final 43 selections. Redstone said the bingo consultants (Jackpot, Inc. from Fargo, N.D.) provided the training at no cost, however WPCO will buy their bingo supplies from the company. "Their business is to supply bingo operations and they are committed to making it as successful as they can," he said. Redstone said that eventually janitorial, security, and sanitation services will be certified for the operation and the organizers are planning a taxi service sometime in the future. He added that the long term benefits of the bingo operation are employment, income, prizes, and an alcohol-free center.

#### UPCOMING EVENTS

3rd Annual International Indian Child Conference, October 7-10, 1987 at the Calgary Convention Centre in Calgary, Alberta, Canada. For further information contact: Ethel C. Krepps, President, American Indian Social Workers' Association at (405) 942-7203.

#### NASEA Summer Workshops for 1987

Math in the Mind's Eye  
Math for Early Childhood  
Box it Bag it (Math)  
Family Math  
Discovery Learning  
Los Alamos Summer Science Teachers Institute  
Native American Science Concepts  
Earth Science  
Healing Herbs: Bridge to Biology and Chemistry  
Self-Confidence Workshop  
Newmast

For further info concerning course content, instructors, dates, times, and places; contact Kui Tatk, Native Amer. Science Educ. Assoc., 1228 M. Street, NW, Washington, D.C. 20005 or call (202) 638-7066.

National Indian Child Conference - News release

Native American high school youth from all over the nation will be convening August 4-9 for the 8th National Indian Child Conference, the first NICC conference to be held in an eastern state. The conference will take place at Western Carolina University in the Great Smokey Mountains of N. Carolina. SAVE THE CHILDREN, an international development and assistance corporation, is the conference sponsor through its American Indian Nations Program. For further info, contact Susan Stevens or Jennie Tso at (505) 265-8705.

JOB ANNOUNCEMENTS

Developmental Reading/Writing Instructor, Blackfeet Community College. Closing date is 11 am, July 20, 1987. For further information contact the Dean of Academic Affairs, Blackfeet Community College, P.O. Box 819, Browning, MT 59417.

Aviation Safety & Compliance Officer, gr. 15, with the Dept. of Commerce (Aeronautics Division). Closing date is 5 pm on July 15, 1987. For further information, contact your local job service or the Helena Job service at 449-6006.

Montana Promotion Officer I, Grade 14, Montana Dept. of Commerce. Closing date is July 22, 1987. For further information, contact your local job service or the Helena Job Service at 449-6006.

Assistant Director, Helena Indian Alliance. For further information, contact the Helena Indian Alliance at (406) 442-9334.



